

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

**IN RE: REALPAGE, INC., RENTAL  
SOFTWARE ANTITRUST LITIGATION  
(NO. II)**

**Case No. 3:23-MD-3071  
MDL No. 3071**

**This Document Relates to:  
3:23-cv-00757 (M.D. Tenn.)  
3:23-cv-00792 (M.D. Tenn.)**

**Chief Judge Waverly D. Crenshaw, Jr.**

**DECLARATION OF STEPHEN J. MCINTYRE IN SUPPORT OF MOTION TO  
DISMISS STUDENT PLAINTIFFS' FIRST AMENDED  
CONSOLIDATED CLASS ACTION COMPLAINT**

I, Stephen J. McIntyre, declare as follows:

1. I am an attorney with O'Melveny & Myers LLP and counsel for BH Management Services, LLC and B.HOM Student Living LLC in the above-captioned litigation. I submit this declaration in support of Defendants' Motion to Dismiss the Student Plaintiffs' First Amended Class Action Complaint (the "FASC") (ECF No. 527). The facts stated in this declaration are based on my personal knowledge, and if called upon as a witness, I could testify competently to them.

2. Attached as **Exhibit A** is a true and correct copy of a screenshot from the 27-second mark of a video interview with Jennifer Cassidy (Cardinal Group Management's Senior Vice President of Student Operations) and Arben Skivjani (RealPage's Chief Economist) available on facebook.com, which is linked to and cited at FASC ¶ 53 n.67.

3. Attached as **Exhibit B** is a true and correct copy of a presentation on RealPage's "AI Revenue Management" available on The Medve Group's website, which is linked to and cited at FASC ¶ 50 n. 64.

4. Attached as **Exhibit C** is a true and correct copy of a presentation attributed to Keith Dunkin from the 2014 National Apartment Association Student Housing Conference & Exposition available on the National Apartment Association's website, which is linked to and cited at FASC ¶ 11 n.10.

5. Attached as **Exhibit D** is a series of tables listing, for each of the "Regional submarkets" alleged by Student Plaintiffs, *see* FASC ¶¶ 165–191, a calculated estimate of the number of student beds and Defendants' implied combined market share in that submarket, based on sources cited in the FASC and other publicly available sources.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on the 9th day of October, 2023, in Los Angeles, California.

By:



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*Attorney for Defendants BH Management Services,  
LLC and B.HOM Student Living LLC*

### **CERTIFICATE OF SERVICE**

I hereby certify that on October 9, 2023, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all attorneys of record registered on the CM/ECF system.

DATED this 9th day of October, 2023

/s/ Ian Simmons  
Ian Simmons